

Sec. 12.106. - On-site sewage disposal; public swimming pools and spas.

(a) *On-Site Sewage Disposal:*

- (1) *Permit required.* No on-site sewage disposal system shall be constructed, modified, altered, repaired, connected or caused to receive an increase in flow unless the County Health Officer has issued a sewage disposal permit.
- (2) *Testing and permit fee.* The Board of Health shall recommend and the County Council shall approve a schedule of fees for:
 - (i) Percolation testing and evaluation to determine suitability for on-site sewage disposal systems; and
 - (ii) Issuance of a sewage disposal permit for construction, alteration or increase in flow of an on-site sewage disposal system.
- (3) *Denial of permit.* A sewage disposal permit or minor septic repair permit shall be denied when, upon review of the application and required site plan, the approving authority finds that:
 - (i) The proposed design is inadequate to collect, treat and dispose of domestic sewage and effluent discharge in accordance with the standards set forth in this subtitle;
 - (ii) Soil and geological conditions are such as to preclude safe and proper operation of the desired installation; or
 - (iii) The construction would be detrimental to the general health and welfare of the residents or the environment.
- (4) *Multiused sewerage systems:*
 - (i) Multiused sewerage system means a multiuse sewerage system as defined in section 9-501 of the Environment Article of the Maryland Code, and a multi-used sewerage system as defined in section 26.03.01.01 of the Code of Maryland Regulations.
 - (ii) A person may not install a multiused sewerage system for a project that contains residential units of any kind.
 - (iii) Notwithstanding subparagraph (ii) of this paragraph, a multiused sewerage system may be installed if the County Health Department determines that extraordinary circumstances exist necessitating the use of a multiused sewerage system to protect the public health.
 - (iv) A multiused sewerage system:
 1. Is subject to regulation under title 18 of the Howard County Code; and
 2. Shall provide at least 10,000 square feet of subsurface disposal area for each 750 gallons of design flow for wastewater.
 - (v) To carry out this paragraph (4) of this subsection, the County Board of Health may adopt regulations.

(b) *Public Swimming Pools and Spas:*

- (1) *Permit required.* A person may not construct, alter, or operate a public swimming pool or spa without a permit issued by the Health Officer. A separate permit is required for each operation. The permit is nontransferable.
- (2) *Permit application.* An Applicant shall submit an application to the Health Officer on a form provided by the Officer.
- (3) *Permit fees.* The Board of Health shall recommend and the County Council shall approve permit fees for

the construction, alteration, and operation of public swimming pools and spas.

(4) *Rules and regulations:*

- (i) The County Health Officer shall recommend regulations concerning public swimming pools, spas and natural bathing areas to the Board of Health for its review and recommendations.
 - (ii) After the Health Officer receives the recommendations of the Board of Health, the regulations shall be forwarded to the County Executive for submission to the County Council for its approval by legislative action.
 - (iii) Except as provided in paragraph (5) of this subsection, title 10, subtitle 17, chapter 1 of the Code of Maryland Regulations, "Public Swimming Pools and Spas," as amended from time to time, is hereby adopted as the regulations for public swimming pools and spas in Howard County as if set forth in full in this paragraph.
- (5) *Appeal.* Notwithstanding any provision of Code of Maryland Regulations 10.17.01, a person aggrieved by a decision of the Health Officer to grant, deny, suspend, revoke, renew or refuse to renew a permit may appeal the decision to the Board of Health. An appeal under this paragraph shall be governed by article III, "Contested Cases," of the Howard County Administrative Procedure Act. The appeal shall be filed with the Executive Secretary of the Board within days of the decision to deny, suspend, revoke, renew or refuse to renew a permit.

(C.B. 6, 1985; C.B. 25, 1986; C.B. 43, 1988; C.B. 15, 1996; C.B. 11, 2000; C.B. 81, 2006, § 2; C.B. 51, 2008, § 1; C.B. 30, 2012, § 1)